REMARKS

The Board of Patent Appeals and Interferences ("BPAI") affirmed the rejection of the pending claims in this case. Accordingly, this Request for Continued Examination is being filed with a new claim set that further distinguishes the art. Due to the numerous changes in the claims, the prior claims have been cancelled, and a new claim set is introduced. Claims 1-19 are cancelled. Claims 20-38 are added.

Among other amendments, Appellants have added the descriptive word "running". This is shown, for example, in the following mark-up of language from claim 20 (underlining added for emphasis):

"current <u>running</u> time of day", and
"current <u>running</u> time of day of the clock of the first program source".

Support is found, for example, at pages 10-12 of our specification, which describes an implementation in which a receiver derives a running time (that is, running solar time, or running wristwatch time) from timing information supplied by the program source, and repeatedly updates this running time.

In more detail:

1. Our specification describes that a current running time of day is derived from a program source by extracting timing information broadcast from that program source:
   - "[C]ontroller 60 derives a time clock using the acquired STT time reference indication … . The derived time clock consists of … <u>time of day</u>." (page 10, lines 20-26, underlining added for emphasis)
   - "Then the derived time clock is the <u>current total time</u> … ." (page 11, line 28, underlining added for emphasis)

2. Our specification describes that this acquired "current total time" (page 11, line 28), which is the current running time of day as indicated by the program source, is used by the receiver as a scheduling clock to determine (e.g.) when to play content from that

program source:

- "[T]he time clock data used to derive the scheduling clock is synchronized with the
  time clock transmitted by the broadcast source … . This is achieved, for example,
  by using STT data from the broadcast source of the desired program … ." (page
  11, line 39 – page 12, line 6)

3. Our specification describes that this scheduling clock is a "running" clock:

- "[C]ontroller 60 updates … an internally maintained and stored scheduling time
  clock with the time clock information derived in step 216. The scheduling clock
  is periodically updated in this manner from derived time clock values obtained
  from the updated STT data received at intervals of one second or less." (page 12,
  lines 12-17)

        The previous Office Action appears to identify a "current time of day" with
Young's scheduled program time, as well as an update to the scheduled program time.
However, a scheduled program time is merely an indication that a particular show is
scheduled to be broadcast at a particular time (e.g. 8 p.m.). This is not what the
Applicants are referring to with a "current time of day". To make the distinction from
Young clearer, Applicants now recite a "current running time of day". Young's schedule
information is certainly not a running time. Rather, it is fixed. It can be modified, as
described with Young's schedule updates that occur when the schedule changes.
However, an update does not transform a fixed time indicator into a running time
indicator.

        This distinction is substantial and significant. It is a difference in kind, and not a
difference in degree. The distinction points out a fundamental difference between
Young's schedule information and the "current running time of day" referred to in our
claims and specification. The "current running time of day" refers to a clock in the
traditional sense that keeps running track of the current time of day (e.g. the running solar
time, or the running time displayed on a wristwatch). Young's scheduled program time
(e.g. 8 p.m.), including updates, is not even intended to convey the "current running time

of day". Rather, Young's scheduled program times are *intended* to be static—by definition, the scheduled program time (e.g. 8 p.m.) is a set time at which the program will be broadcast, and that time <u>cannot</u> be a "running time" or it will not serve its purpose.

Accordingly, Young certainly does not disclose or suggest the recitation of:

> synchronizing ... (1) a current running time of day used for scheduling the first program processing function, with (2) a current running time of day of a clock of the first program source;

Indeed, Young's updating of schedule information has nothing to do with synchronizing running time of day indications between a programming source and a receiving system.

The above recitation is exemplified in an implementation described in our specification at pages 10-12. That implementation synchronizes a local running clock of a receiver with the local running clock of a program source. This causes the local running clock of the receiver (referred to as a "scheduling clock") to indicate the same "current running time of day" as the local running clock of the program source. This local running clock is then used to determine when the "current running time of day" at the receiver is equal to the scheduled program time. Because the local running clock agrees with the running clock at the program source (that is, both clocks indicate the same running "wristwatch time" or solar time), the receiving system will know when, for example, to start recording in order to record a program that starts at, for example, 8 p.m.

In effect, the receiver is looking at the wristwatch of the program source to determine when the program is going to start. In this way, the receiver can start recording at the correct moment.

       The RCE charges are being paid from Deposit Account 07-0832. Please charge any other required fees to Deposit Account 07-0832.

Respectfully submitted,

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Princeton, NJ 08543-5312   Date :   July 29, 2011